



House of Representatives

File No. 606

General Assembly

January Session, 2001

(Reprint of File No. 293)

Substitute House Bill No. 6697
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 3, 2001

AN ACT CONCERNING DIRECT PRIMARIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) Petition forms for candidacies for nomination to
2 state office, as defined in section 9-372 of the general statutes, or the
3 district office of representative in Congress shall be available from the
4 Secretary of the State beginning the first business day in March in
5 even-numbered years. Petition forms for candidacies for nomination to
6 the district offices of judge of probate, state senator or state
7 representative shall be available from the Secretary of the State
8 beginning on the day following the close of the applicable district
9 convention. Any person who requests a petition form shall give the
10 person's name and address and the name, address and office sought of
11 each candidate for whom the petition is being obtained and shall file a
12 statement signed by each such candidate that such candidate consents
13 to be a candidate for such office. Each such candidate shall include on
14 the statement of consent the candidate's name as the candidate
15 authorizes it to appear on the ballot. Upon receiving such information
16 and statement, the Secretary shall type or print on a petition form the

17 name and address of each such candidate, the office sought and the
18 political party holding the primary. The Secretary shall give to any
19 person requesting such form one or more petition pages, suitable for
20 duplication, as the Secretary deems necessary. If the person is
21 requesting the form on behalf of an indigent candidate or a group of
22 indigent candidates listed on the same petition, the Secretary shall give
23 the person the number of original pages that the person requests or the
24 number which the Secretary deems sufficient. An original petition
25 page filled in by the Secretary may be duplicated by or on behalf of the
26 candidate or candidates listed on the page and signatures may be
27 obtained on such duplicates. The duplicates may be filed in the same
28 manner and shall be subject to the same requirements as original
29 petition pages. All information relative to primary petitions shall be a
30 public record.

31 Sec. 2. (NEW) (a) The petition form for candidacies for nomination
32 to state or district office shall be prescribed and provided by the
33 Secretary of the State, and signatures shall be obtained only on such
34 form or on duplicate petition pages produced in accordance with the
35 provisions of section 1 of this act. The form shall include a statement of
36 instructions to persons using the form and shall indicate the date and
37 time by which it shall be filed and the person with whom it shall be
38 filed. The form shall provide spaces for the names and addresses of the
39 candidates, the offices to which nomination is sought and the political
40 party holding the primary, and shall provide lines for the signatures,
41 street addresses, dates of birth and the printing of the names of
42 enrolled party members supporting the person or persons on behalf of
43 whose candidacy the petition is used.

44 (b) Only as many candidates may be proposed in any one primary
45 petition for the same office as are to be nominated by such party for
46 such office, but any one primary petition may propose as many
47 candidates for different state offices as there are nominations to be
48 made.

49 (c) The names of enrolled party members signing a primary petition

50 may be on several pages, provided no person shall sign more than one
51 petition page for the same candidate or candidates. Each such page
52 shall indicate the candidate or candidates supported, the offices sought
53 and the political party for which nomination is being sought. No page
54 of such a petition shall contain the names of enrolled party members
55 residing in different municipalities and any petition page which has
56 been certified by the registrars of two or more municipalities shall be
57 rejected by the Secretary. Withdrawal of petition signatures shall not
58 be permitted.

59 (d) Each circulator of a primary petition page shall be an enrolled
60 party member of a municipality in this state who is entitled to vote in
61 the primary for which such petition is being filed. Each petition page
62 shall contain a statement signed by the registrar of the municipality in
63 which the circulator is an enrolled party member attesting that the
64 circulator is an enrolled party member in the municipality and is
65 entitled to vote in the primary for which the petition is being filed.
66 Unless such a statement by the registrar appears on each page so
67 submitted, the Secretary shall reject the page. Each separate page of the
68 petition shall contain a statement as to the authenticity of the
69 signatures on the page and the number of such signatures, and shall be
70 signed under the penalties of false statement by the person who
71 circulated the page, setting forth the circulator's address and the town
72 in which the circulator is an enrolled party member and attesting that
73 each person whose name appears on the page signed the petition in
74 person in the presence of the circulator, that the circulator either
75 knows each such signer or that the signer satisfactorily identified
76 himself or herself to the circulator and that the spaces for candidates
77 supported, offices sought and the political party involved were filled
78 in prior to the obtaining of the signatures. Each separate page of the
79 petition shall also be acknowledged before an appropriate person as
80 provided in section 1-29 of the general statutes. The Secretary shall
81 reject any page of a petition filed with the Secretary which does not
82 contain such a statement by the circulator as to the authenticity of the
83 signatures on the page, or upon which the statement of the circulator is

84 incomplete in any respect, or which does not contain the certification
85 required under this section by the registrar of the town in which the
86 circulator is an enrolled party member. Any individual proposed as a
87 candidate in any primary petition may serve as a circulator of the
88 pages of the petition, provided the individual's service as circulator
89 does not violate any provision of this section.

90 Sec. 3. (NEW) (a) Upon the receipt of any page of a petition
91 proposing a candidacy for a state or district office, the registrar shall
92 forthwith sign and give to the person submitting the petition a receipt,
93 in duplicate, stating the number of pages filed and the date and time of
94 filing. The person or the candidate shall forthwith send one copy of the
95 receipt to the Secretary of the State. The registrar shall indicate on each
96 such petition page the date and time of filing, shall forthwith certify on
97 each such page the number of signers of the page who were enrolled
98 on the last-completed enrollment list of such party in the municipality
99 or political subdivision, as the case may be, and shall forthwith file
100 such certified page in person or by mail, as described in section 9-140b
101 of the general statutes, with the Secretary within seven days after
102 receipt of the page. In checking the signatures on primary petition
103 pages, the registrar shall reject any name which does not appear on the
104 last-completed enrollment list of such party in the municipality or
105 political subdivision, as the case may be. Such rejection shall be
106 indicated by placing a mark in a manner prescribed by the Secretary
107 before the name rejected. The registrar may place a check mark before
108 each name appearing on the enrollment list to indicate approval but
109 shall place no other mark on the page except as provided in this act
110 and in chapter 153 of the general statutes. The registrar shall not reject
111 any name for which the street address on the petition is different from
112 the street address on the enrollment list, if (1) such person is eligible to
113 vote for the candidate or candidates named in the petition in the
114 municipality of the registrar, and (2) the person's date of birth, as
115 shown on the petition page, is the same as the date of birth on the
116 person's registration record.

117 (b) Upon the filing of all pages of a petition, the Secretary shall reject

118 any page of the petition which does not contain the certifications
119 required in section 2 of this act or which the Secretary determines to
120 have been circulated in violation of any provision of said section 2, and
121 shall immediately cause the number of certified signatures to be
122 tabulated. Petitions filed with the Secretary shall be preserved for a
123 period of three years and then may be destroyed.

124 Sec. 4. Section 9-383 of the general statutes is repealed and the
125 following is substituted in lieu thereof:

126 The time and place of meeting of a state or district convention shall
127 be fixed by the state central committee or other authority of the party
128 holding such convention, in accordance with the rules of such party;
129 provided each such convention held to endorse candidates for state or
130 district office to be voted upon at a state election shall be convened not
131 earlier than the [sixty-eighth] ninety-sixth day and closed not later
132 than the [fiftieth] seventy-eighth day preceding the day of the primary
133 for such office.

134 Sec. 5. Section 9-400 of the general statutes is repealed and the
135 following is substituted in lieu thereof:

136 (a) [Within fourteen days following the close of the state convention,
137 a] A candidacy for nomination by a political party to a state office may
138 be filed by or on behalf of any person whose name appears upon the
139 last-completed enrollment list of such party in any municipality within
140 the state and who has either (1) received at least fifteen per cent of the
141 votes of the convention delegates present and voting on any roll-call
142 vote taken on the endorsement or proposed endorsement of a
143 candidate for such state office, whether or not the party-endorsed
144 candidate for such office received a unanimous vote on the last ballot,
145 or (2) circulated a petition and obtained the signatures of at least two
146 per cent of the enrolled members of such party in the state, including
147 at least one per cent of the enrolled members of such party from each
148 congressional district, in accordance with the provisions of sections 1
149 to 3, inclusive, of this act. Candidacies described in subdivision (1) of

150 this subsection shall be filed by [the filing with] submitting to the
151 Secretary of the State [, of] not later than four o'clock p.m. on the
152 fourteenth day following the close of the state convention, a certificate,
153 signed by such candidate and attested by either [(1)] (A) the chairman
154 or presiding officer, or [(2)] (B) the secretary of the convention, that
155 such candidate received at least fifteen per cent of such votes, and that
156 [he] such candidate consents to be a candidate in a primary of such
157 party for such state office. Such certificate shall specify the candidate's
158 name as [he] the candidate authorizes it to appear on the ballot, [his]
159 the candidate's full residence address and the title of the office for
160 which [his] the candidacy is being filed. A single such certificate or
161 petition for state office may be filed on behalf of two or more
162 candidates for different state offices who consent to have their names
163 appear on a single row of the primary ballot label under subsection (b)
164 of section 9-437, as amended by this act. Candidacies described in
165 subdivision (2) of this subsection shall be filed by submitting said
166 petition not later than four o'clock p.m. on the fourteenth day
167 following the close of the state convention to the registrar of voters of
168 the towns in which the respective petition pages were circulated. Each
169 registrar shall file each page of such petition with the Secretary in
170 accordance with the provisions of section 3 of this act. A petition filed
171 by or on behalf of a candidate for state office shall be invalid for such
172 candidate if such candidate is certified as the party-endorsed candidate
173 pursuant to section 9-388 or as receiving at least fifteen per cent of the
174 convention vote for such office pursuant to this subsection. Except as
175 provided in section 9-416a, upon the expiration of the fourteen-day
176 period and the completion of the tabulation of petition signatures, if
177 any, if one or more candidacies for such state office have been filed
178 pursuant to the provisions of this section, the Secretary of the State
179 shall notify all town clerks in accordance with the provisions of section
180 9-433, that a primary for such state office shall be held in each
181 municipality in accordance with the provisions of section 9-415, as
182 amended by this act.

183 (b) [Within fourteen days following the close of the district

184 convention, a] A candidacy for nomination by a political party to a
185 district office may be filed by or on behalf of any person whose name
186 appears upon the last-completed enrollment list of such party within
187 any municipality or part of a municipality forming a component part
188 of such district and who has either (1) received at least fifteen per cent
189 of the votes of the convention delegates present and voting on any roll-
190 call vote taken on the endorsement or proposed endorsement of a
191 candidate for such district office, whether or not the party-endorsed
192 candidate for such office received a unanimous vote on the last ballot,
193 or (2) circulated a petition and obtained the signatures of at least two
194 per cent of the enrolled members of such party in the district for the
195 district office of representative in Congress, and at least five per cent of
196 the enrolled members of such party in the district for the district offices
197 of state senator, state representative and judge of probate, in
198 accordance with the provisions of sections 1 to 3, inclusive, of this act.
199 Candidacies described in subdivision (1) of this subsection shall be
200 filed by [the filing with] submitting to the Secretary of the State [of] not
201 later than four o'clock p.m. on the fourteenth day following the close of
202 the district convention, a certificate, signed by such candidate and
203 attested by either [(1)] (A) the chairman or presiding officer, or [(2)] (B)
204 the secretary of the convention, that such candidate received at least
205 fifteen per cent of such votes, and that [he] the candidate consents to be
206 a candidate in a primary of such party for such district office. Such
207 certificate shall specify the candidate's name as [he] the candidate
208 authorizes it to appear on the ballot, [his] the candidate's full residence
209 address and the title and district of the office for which [his] the
210 candidacy is being filed. Candidacies described in subdivision (2) of
211 this subsection shall be filed by submitting said petition not later than
212 four o'clock p.m. on the fourteenth day following the close of the
213 district convention to the registrar of voters of the towns in which the
214 respective petition pages were circulated. Each registrar shall file each
215 page of such petition with the secretary in accordance with the
216 provisions of section 3 of this act. A petition may only be filed by or on
217 behalf of a candidate for the district office of state senator, state
218 representative or judge of probate who is not certified as the party-

219 endorsed candidate pursuant to section 9-388 or as receiving at least
220 fifteen per cent of the convention vote for such office pursuant to this
221 subsection. A petition filed by or on behalf of a candidate for the
222 district office of representative in Congress shall be invalid if said
223 candidate is certified as the party-endorsed candidate pursuant to
224 section 9-388 or as receiving at least fifteen per cent of the convention
225 vote for such office pursuant to this subsection. Except as provided in
226 section 9-416a, upon the expiration of the fourteen-day period and the
227 completion of the tabulation of petition signatures, if any, if one or
228 more candidacies for such district office have been filed pursuant to
229 the provisions of this section, the Secretary of the State shall notify all
230 town clerks within the district, in accordance with the provisions of
231 section 9-433, that a primary for such district office shall be held in
232 [any] each municipality [or] and each part of [any] a municipality
233 within the district in accordance with the provisions of section 9-415,
234 as amended by this act.

235 (c) For the purposes of this section, the number of enrolled members
236 of a party shall be determined by the latest enrollment records in the
237 office of the Secretary of the State prior to the earliest date that primary
238 petitions were available.

239 (d) On the last day for filing primary petition candidacies in
240 accordance with the provisions of this section, the office or office
241 facilities of the registrars of voters shall open not later than one o'clock
242 p.m., and remain open until at least four o'clock p.m., and such
243 registrars or the deputy or assistant registrars shall be present.

244 Sec. 6. Section 9-412 of the general statutes is repealed and the
245 following is substituted in lieu thereof:

246 Upon the [filing] receipt of any page of a petition proposing a
247 candidacy for a municipal office or for member of a town committee or
248 delegates or district delegates to a convention, the registrar shall
249 forthwith sign and give to the person [so] submitting [a page or pages
250 of such] the petition a receipt [indicating] stating the number of [such]

251 pages [so submitted] filed and the date and time [when such pages
252 were submitted] of filing and shall forthwith certify on each such
253 [sheet] page the number of signers [thereon] of the page who were
254 enrolled on the last-completed enrollment list of such party [and] in
255 the municipality or political subdivision, as the case may be, and shall
256 forthwith file such [sheet, so] certified page, with the clerk of the
257 municipality, together with [his] the registrar's certificate as to the
258 whole number of names on the last-completed enrollment list of such
259 party in such municipality or political subdivision, as the case may be.
260 In [the] checking [of] signatures on primary petition pages, the
261 registrar shall reject any name if such name does not appear on the
262 last-completed enrollment list in the municipality or political
263 subdivision, as the case may be. Such rejection shall be indicated by
264 [the] placing [of an "R"] a mark in a manner prescribed by the
265 Secretary before the name so rejected. The registrar may place a check
266 mark before each name appearing on [such] the enrollment list to
267 indicate approval but shall place no other mark on [such] the page
268 except as provided in this chapter. The registrar shall not reject any
269 name for which the street address on the petition is different from the
270 street address on the enrollment list, if (1) such person is eligible to
271 vote for the candidate or candidates named in the petition, and (2) the
272 person's date of birth, as shown on the petition page, is the same as the
273 date of birth on the person's registration record. The registrar shall
274 reject any page of a petition which does not contain the certifications
275 provided in section 9-410, or which [is determined by said] the
276 registrar determines to have been circulated in violation of any other
277 provision [thereof] of section 9-410. Petitions filed with the municipal
278 clerk shall be preserved for a period of three years and then may be
279 destroyed.

280 Sec. 7. Section 9-415 of the general statutes is repealed and the
281 following is substituted in lieu thereof:

282 [If within the time specified in sections 9-400 and 9-405 a candidacy
283 for nomination by a political party to a state, district or municipal
284 office is filed by or on behalf of any person other than a party-

285 endorsed candidate in conformity with the provisions of sections 9-400
286 to 9-414, inclusive, or if within such time candidacies numbering at
287 least twenty-five per cent of the number of town committee members
288 to be elected by a party either in the municipality or in the political
289 subdivision, as the case may be, are filed by or on behalf of persons
290 other than party-endorsed candidates in conformity with the
291 provisions of sections 9-382 to 9-450, inclusive, or if within such time
292 candidacies for election as delegates to a convention of a political party
293 are filed by or on behalf of a slate of persons other than party-endorsed
294 candidates in conformity with the provisions of said sections, a
295 primary shall be held in each municipality of the state or district, or in
296 the municipality or political subdivision thereof or senatorial district or
297 assembly district or in each part of a municipality which is a
298 component part of a senatorial or assembly district composed of parts
299 of two towns or of a town or towns and a part or parts of another town
300 or towns therein in which the nomination for municipal office is to be
301 made or in which members of a town committee or delegates to a
302 convention are to be elected, or in each municipality in the district in
303 which district delegates to a convention are to be elected, as the case
304 may be, to determine the nominee of such party for such office or to
305 elect the members of the town committee or the delegates to the
306 convention, except as provided in sections 9-416a, 9-418, 9-419 and 9-
307 420.]

308 (a) If a candidacy for nomination by a political party to a state office
309 is filed by or on behalf of any person other than a party-endorsed
310 candidate within the time specified in subsection (a) of section 9-400,
311 as amended by this act, and in conformity with the provisions of
312 section 9-400, as amended by this act, a primary shall be held in each
313 municipality of the state to determine the nominee of such party for
314 such office, except as provided in section 9-416a.

315 (b) If a candidacy for nomination by a political party to a district
316 office is filed by or on behalf of any person other than a party-
317 endorsed candidate within the time specified in subsection (b) of
318 section 9-400, as amended by this act, and in conformity with the

319 provisions of section 9-400, as amended, a primary shall be held in
320 each municipality of the district and each part of a municipality which
321 is a component part of the district, to determine the nominee of such
322 party for such office, except as provided in section 9-416a.

323 (c) If a candidacy for nomination by a political party to a municipal
324 office is filed by or on behalf of any person other than a party-
325 endorsed candidate within the applicable time specified in section 9-
326 405 and in conformity with the provisions of sections 9-405, 9-406, 9-
327 406a, 9-409, 9-410 and 9-412, as amended by this act, and 9-414, a
328 primary shall be held in the municipality or political subdivision
329 thereof in which the nomination for municipal office is to be made, to
330 determine the nominee of such party for such office, except as
331 provided in section 9-418.

332 (d) If candidacies numbering at least twenty-five per cent of the
333 number of town committee members to be elected by a party either in
334 the municipality or in the political subdivision, as the case may be, are
335 filed by or on behalf of persons other than party-endorsed candidates
336 within the time specified in section 9-405 and in conformity with the
337 provisions of sections 9-405, 9-406, 9-406a, 9-409 to 9-412, inclusive, as
338 amended by this act, and 9-414, a primary shall be held in the
339 municipality or political subdivision thereof in which members of a
340 town committee are to be elected, to elect the members of the town
341 committee, except as provided in sections 9-419 and 9-421.

342 (e) If candidacies for election as delegates to a convention of a
343 political party are filed by or on behalf of a slate of persons other than
344 party-endorsed candidates within the time specified in section 9-405
345 and in conformity with the provisions of sections 9-405, 9-406a to 9-
346 410, inclusive, and 9-412, as amended by this act, a primary shall be
347 held in the municipality or political subdivision of the municipality in
348 which delegates to a convention are to be elected, or in each
349 municipality in the district in which district delegates to a convention
350 are to be elected, as the case may be, for the purpose of electing the
351 delegates to the convention, except as provided in section 9-420.

352 Sec. 8. Section 9-416 of the general statutes is repealed and the
353 following is substituted in lieu thereof:

354 If [at a state or district convention no person other than a party-
355 endorsed candidate has received at least fifteen per cent of the votes of
356 the delegates present and voting on any roll-call vote taken on the
357 endorsement or proposed endorsement of a candidate for a state or
358 district office, or if] within the time specified in section 9-400, as
359 amended by this act, no candidacy for nomination by a political party
360 to [such] a state or district office has been filed by or on behalf of a
361 person other than a party-endorsed candidate in conformity with the
362 provisions of [sections 9-400 to 9-414, inclusive] section 9-400, as
363 amended, no primary shall be held by such party for such office and
364 the party-endorsed candidate for such office shall be deemed to have
365 been lawfully chosen as the nominee of such party for such office.

366 Sec. 9. Section 9-433 of the general statutes is repealed and the
367 following is substituted in lieu thereof:

368 [Upon the expiration of the fourteen-day period prescribed by
369 section 9-400, and]

370 After the deadline set forth in section 9-400, as amended by this act,
371 for filing candidacies, and upon the completion of the tabulation of
372 petition signatures, if any, if one or more candidacies for nomination
373 by a political party to a state or district office have been filed in
374 accordance with the provisions of [said] section 9-400, as amended by
375 this act, the Secretary of the State shall notify the clerk of each town
376 within the state or within the district, as the case may be, that a
377 primary is to be held by such party for the nomination of such party to
378 such office. Such notice shall include a list of all the proposed
379 candidates, those endorsed by the convention as well as those filing
380 candidacies, together with their addresses and the titles of the office
381 for which they are candidates and, if applicable, a statement that
382 unaffiliated electors may vote in the primary. The clerk of each such
383 town shall thereupon cause such notice to be published forthwith in a

384 newspaper having a general circulation in such town, together with a
385 statement of the date upon which the primary is to be held, the hours
386 during which the polls shall be open and the location of the polls.

387 Sec. 10. Subsections (a) and (b) of section 9-437 of the general
388 statutes are repealed and the following is substituted in lieu thereof:

389 (a) At the top of each ballot label shall be printed the name of the
390 party holding the primary, and each ballot label shall contain the
391 names of all candidates to be voted upon at such primary, except the
392 names of delegates to conventions. The vertical columns shall be
393 headed by the designation of the office or position and instructions as
394 to the number for which an elector may vote for such office or position,
395 in the same manner as a ballot label used in a regular election. The
396 name of each candidate for town committee or municipal office, except
397 for the municipal offices of state senator and state representative, shall
398 appear on the ballot label as it appears on the registry list of such
399 candidate's town of voting residence, except as provided in section 9-
400 42a. The name of each candidate for state or district office or for the
401 municipal offices of state senator or state representative shall appear
402 on the ballot as it appears on the certificate or statement of consent
403 filed under section 9-388, [subsection (b) of section] 9-391, [or section]
404 9-400, as amended by this act, [or] 9-409, or section 1 of this act. On the
405 first horizontal line, below the designation of the office or position in
406 each column, shall be placed the name of the party-endorsed candidate
407 for such office or position, such name to be marked with an asterisk;
408 provided, where more than one person may be voted for for any office
409 or position, the names of the party-endorsed candidates shall be
410 arranged in alphabetical order from left to right under the appropriate
411 office or position designation and shall continue, if necessary, from left
412 to right on the next lower line or lines. In the case of no party
413 endorsement there shall be inserted the designation "no party
414 endorsement" at the head of the vertical column, immediately beneath
415 the designation of the office or position. On the horizontal lines below
416 the line for party-endorsed candidates shall be placed, in the
417 appropriate columns, the names of all other candidates as hereinafter

418 provided.

419 (b) (1) In the case of two or more such candidates for the same state
420 or district office, precedence as to row shall be determined by the
421 alphabetical order of the surnames of such candidates, except as
422 provided under subdivision (2) of this subsection. (2) If a single
423 certificate or a single petition has been filed under subsection (a) of
424 section 9-400, as amended by this act, on behalf of two or more
425 candidates and proposing one candidate for each state office to be
426 contested at such primary, a single row shall be used for the names of
427 such candidates and precedence as to row between such certificates
428 and petitions shall be determined by the Secretary of the State by lot in
429 a ceremony which shall be open to the public. The names of all other
430 candidates for state office shall be placed in the appropriate columns in
431 alphabetical order on the rows below the row or rows used for
432 candidates whose names are contained in such a single certificate, [or]
433 certificates, single petition or petitions.

434 Sec. 11. Section 9-35c of the general statutes is repealed and the
435 following is substituted in lieu thereof:

436 Notwithstanding the provisions of sections 9-238, 9-400, as amended
437 by this act, 9-406 and 9-436 and other provisions of the general
438 statutes, the names of electors on the inactive registry list compiled
439 under section 9-35 shall not be counted for purposes of computing the
440 number of voting machines required and the number of petition
441 signatures required. Each elector on such inactive registry list who, in
442 the determination of the registrars, has signed a petition pursuant to
443 the general statutes, giving the same address as appears on the inactive
444 registry list, shall forthwith be placed on the active registry list
445 compiled under said section 9-35. Each such elector shall be counted
446 for purposes of future computations of the number of voting machines
447 required and the number of signatures required on future petitions
448 issued for other electoral events. The names of electors on the inactive
449 registry list compiled pursuant to section 9-35 shall not be counted for
450 purposes of computing the minimum percentage of the number of

451 electors required in any charter or special act, if such charter or special
452 act requires approval of a referendum by a minimum percentage of
453 electors qualified on the last-completed registry list or has a similar
454 requirement.

455 Sec. 12. This act shall take effect January 1, 2002, and shall apply to
456 primaries and elections held on or after January 1, 2002.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Cost

Affected Agencies: Secretary of the State, State Elections Enforcement Commission

Municipal Impact: Potential Minimal Cost

Explanation

State Impact:

The bill as amended permits candidates for state and district offices to petition onto a primary ballot for their party's nomination for office.

Office of the Secretary of the State

The Secretary of the State will incur minimal costs for printing additional forms and handbooks, supplies and postage estimated to be less than \$5,000. Additionally, the Secretary of the State may require an elections clerical staff position with an estimated annual cost of \$26,500 for the increased mailings and filings resulting from passage of this bill as amended.

State Elections Enforcement Commission

The bill as amended extends some of the State Elections Enforcement Commission's existing responsibilities to enforce election law as it relates to direct primaries. If the commission receives few complaints alleging violations of the election laws, then it is anticipated the SEEC can handle the additional responsibilities within

the current budgetary resources. However, if the SEEC receives a significant amount of complaints, then additional investigative staff resources would be required, with an estimated annual cost of \$39,764 for an accountant trainee position and associated other expenses.

Municipal Impact:

The bill as amended requires the registrar of voters to certify the signatures on the petition form and file the petitions with the Secretary of State, a workload increase is expected to result. In addition, the bill as amended requires the registrars to file the petition pages with the Secretary of State by mail, approved commercial carrier, or messenger, which will result in a minimal cost to the municipalities. It is anticipated that these costs can be handled within the town's normal budgeted resources.

House "A" deletes the Blue Ribbon Commission established by the bill, thus eliminating the resulting minimal absorbable costs that Legislative Management may have incurred related to the bill. The amendment makes a variety of other changes, which results in no fiscal impact.

OLR AMENDED BILL ANALYSIS

sHB 6697 (as amended by House "A")*

AN ACT CONCERNING DIRECT PRIMARIES.**SUMMARY:**

This bill allows candidates for state and district offices to petition onto a primary ballot for their party's nomination for office. It establishes petition procedures and signature requirements for candidates who want to use that method to get on a primary ballot. They can challenge the party-endorsed candidate as well as candidates who receive at least 15% of the delegate vote at a convention and file to run in a primary.

The bill moves the conventions for endorsing state and district office candidates back one month, from July to June.

*House Amendment "A"

1. prohibits candidates who receive their party's endorsement or at least 15% of the vote at a nominating convention from also running as petitioning candidates in a primary,
2. deletes the blue ribbon commission, which was effective upon passage, created in the original file to study the election calendar,
3. adds a restatement of current law on when a primary is required for convention delegate candidates omitted in the original file, and
4. makes minor changes in the bill's provisions prescribing the petition form and processing procedures.

EFFECTIVE DATE: January 1, 2002 and applicable to primaries and elections held on or after that date.

PETITIONING CANDIDATES

The bill permits any party member, or anyone acting on his behalf, to file a certified nominating petition for a state or district office (see BACKGROUND--Offices Covered). Current law gives candidates for municipal offices, including single-town legislative district offices, access to the ballot through a petition process. Under the bill, petitioning candidates for state office must be party members enrolled in the state, and district candidates must be enrolled in any municipality in the district just as other primary candidates are under current law. A single petition may be circulated and filed proposing candidates for as many different offices as there are nominations to be made.

PETITION AVAILABILITY

Under the bill, petition forms for candidates for nomination to statewide and Congressional offices are available from the Secretary of the State's Office on the first business day in March in even-numbered years. For candidates for the district office of state senator, state representative, and multi-town judge of probate, the forms are available from the secretary on the day after the district convention. This is the same time current law makes them available for single-town legislative district candidates.

REQUESTING A PETITION

The bill requires the secretary of the state to fill in identifying information on each petition page and to give the requestor petition pages that can be duplicated. If the candidate is indigent, the secretary must give the requestor a sufficient number of pages or as many as the person requests. Anyone requesting a petition form must give his name and address and the name, address, and office sought for each petition candidate, along with a consent statement signed by the candidate.

PETITION CIRCULATION

The secretary must prescribe and provide the petition forms; signatures cannot be submitted on any form other than an original from the secretary or a copy. An original petition page may be duplicated, and the copy can be circulated and filed just as an original. The petition form includes instructions, the date and time it is due, candidate information, and spaces for enrolled party members to sign

and print their names and give their street addresses and dates of birth.

The signers on each petition page must be enrolled party members who live in the same town. The circulator of a primary petition page must be an enrolled member in the party and entitled to vote in the primary. A petitioning candidate can circulate his own petition. Each petition page filed with the secretary must contain a certification as to the circulator's qualifications, signed by the registrar of voters, and a statement as to the authenticity of the signatures, signed by the circulator under penalty of false statement (a violation of which is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both). Each petition page must also be officially acknowledged by a notary public, attorney, judge, family support magistrate, court clerk, town clerk, or justice of the peace. No one can withdraw a petition signature.

Any information related to primary petitions is a public record.

PETITION SIGNATURE REQUIREMENTS

Under the bill, in order to qualify to run in a primary, the petition for a candidate for a state office must be signed by at least 2% of the enrolled party members in the state, including at least 1% of the party members in each Congressional district (see BACKGROUND--Signature Requirements).

Petitioning candidates for a Congressional district office must submit petitions signed by at least 2% of the enrolled members of their party in the district.

Petitioning candidates for a multi-town legislative district office and judge of probate must submit signatures of at least 5% of the enrolled party members in the district, the same percentage as candidates for single-town offices under current law.

The basis for determining the necessary number of signatures of enrolled party members is the latest active town enrollment list submitted to the secretary of the state before the primary petitions are available. Town clerks must furnish the lists in February and October each year. The names of electors on the inactive registry list are not included in the calculation to determine the number of signatures

required. But if an elector from the inactive list signs a petition with the address given on the list, registrars count the signature for purposes of the requirement and move the signer's name from the inactive to the active list.

FILING PETITIONS

Under the bill, completed petitions must be filed with registrars of voters within 14 days after the close of the state or district convention held to endorse a candidate for the office.

PETITION RECEIPT AND VERIFICATION

The bill establishes procedures for processing petition pages for state and district office candidates. The person who submits the pages gets a receipt in duplicate from the registrar of voters showing the number of submitted pages and sends the copy to the secretary of the state. The registrar must write the filing date and time on each petition page. The registrar must certify the signatures by checking them against the latest voter enrollment list and indicating the number of signers on each page who are enrolled party members. The registrar must reject names that do not appear on the town's last completed enrollment list. The registrar files the certified petition pages with the secretary by delivering them or sending them by mail, approved commercial carrier, or messenger within seven days after they are received.

The secretary (1) checks for the required certifications and rejects any petition page that does not have them and (2) immediately counts the number of signatures. After the 14-day period that candidates have to file the certification of their status to run in a primary and after the secretary tabulates the signatures on any petitions that are filed, she must notify town clerks that there will be a primary. The secretary must keep petitions for three years.

INVALID AND PROHIBITED PETITIONS

Under the bill, a party-endorsed candidate or one who received at least 15% of the convention vote on an endorsement cannot also run in a primary as a petitioning candidate. A petition already filed by a candidate for state office or representative in Congress is invalid if the candidate becomes the endorsed candidate or a 15% candidate. A candidate for the district office of state senator or representative or

judge of probate who is endorsed or a 15% candidate cannot file a petition to appear on the primary ballot for the office.

ELECTION CALENDAR

The bill moves the nominating conventions for state and district offices from July to June as shown below, creating an extra month for the primary campaign.

Current Law (2002 Dates)

68th-50th day before primary
(July 4-22)

The Bill (2002 Dates)

96th-78th day before primary
(June 6-24)

MINOR CHANGES

The bill requires registrars' offices to be open at least between 1 p.m. and 4 p.m. on the day when state and district office candidates' petitions are due. Current law requires this for municipal office petition deadlines.

The bill delays the deadline by which the secretary of the state must notify town clerks if and when there will be a primary for a state or district office by allowing additional time after convention endorsements have been made for registrars to tabulate petition signatures and send petitions to the secretary.

BACKGROUND

Offices Covered

State and district offices covered by the bill's nominating procedures are: governor, lieutenant governor, secretary of the state, treasurer, comptroller, attorney general, U.S. senator and representative, and multi-town state legislator and judge of probate.

Signature Requirements

Based on the recent "Registration and Party Enrollment Statistics as of October 24, 2000," published by the secretary of the state, the bill's minimum petition signature requirements for statewide and Congressional district office candidates in each major political party

appear in Tables 1 and 2 below.

Table 1: Example of Statewide Office Signature Requirements with Congressional District Distribution*

	<i>Democrats</i>	<i>Republicans</i>
<i>Total</i>	12,876	9,053
<i>With Minimum From Each Congressional District</i>		
<i>First</i>	1,338	611
<i>Second</i>	1,026	707
<i>Third</i>	1,165	609
<i>Fourth</i>	966	876
<i>Fifth</i>	903	836
<i>Sixth</i>	1,039	888

*Based on October 24, 2000 enrollment figures.

Table 2: Example of Congressional District Office Signature Requirements*

<i>Congressional District</i>	<i>Democrats</i>	<i>Republicans</i>
<i>First</i>	2,676	1,222
<i>Second</i>	2,053	1,414
<i>Third</i>	2,331	1,219
<i>Fourth</i>	1,933	1,751
<i>Fifth</i>	1,806	1,671
<i>Sixth</i>	2,078	1,776

*Based on October 24, 2000 enrollment figures.

Legislative History

After receiving favorable reports by the Government Administration and Elections (on March 21), Judiciary (on April 4) and Appropriations (on April 9) committees, the bill was referred from the House to the Planning and Development Committee which gave it a favorable report on April 23.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute Change of Reference

Yea 19 Nay 0

Judiciary Committee

Joint Favorable Change of Reference

Yea 37 Nay 1

Appropriations Committee

Joint Favorable Report

Yea 39 Nay 7

Planning and Development Committee

Joint Favorable Report

Yea 15 Nay 2